

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JACOB DUFFEE, individually and d/b/a §
TEXAS ASSOCIATION OF §
DISABLED PERSONS §
§
Plaintiff §
§
v. § CIVIL ACTION NO. _____
§
CAR TOYS, INC. §
§
Defendant §

NOTICE OF REMOVAL

Notice is hereby given that, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446
Defendant Car Toys, Inc. (“Car Toys”) hereby removes this action from the 160th Judicial
District Court for Dallas County, Texas to the United States District Court for the
Northern District of Texas, Dallas Division, based on the following:

1. On September 11, 2011 the Plaintiff Jacob Duffee (“Duffee”) filed his
“Plaintiff’s Original Petition, Request for Disclosures and for Injunctive Relief and a
Declaratory Judgment” in the 160th District Court for Dallas County, Texas, where it was
docketed as Case No. 11-12459. Duffee claims that a Car Toys store located in Dallas
County, Texas is in violation of the accessibility requirements of Chapter 121 of the
Texas Human Resources Code as well as the Texas Architecture Barriers Act.

2. Car Toys is a corporation incorporated under the laws of the State of
Washington with its principal place of business in Seattle, Washington. It is therefore a

citizen of the State of Washington for purposes of diversity jurisdiction. 28 U.S.C. §1332(c)(1).

3. Duffee is a citizen of the State of Texas for purposes of diversity jurisdiction because he alleges in the Petition that he is a resident of the State of Texas.

4. Although the Petition does not allege a specific amount in controversy, the petition seeks injunctive and declaratory relief that would require extensive modifications to the Car Toys store that is the subject of the Plaintiff's Petition. In particular, the Plaintiff claims that shelving and display tables must be altered or removed, that interior walls and other barriers may need to be altered or removed, and that curb ramps must be rebuilt. In addition, the Petition seeks attorneys fees and statutory damages. It is therefore more likely than not that the amount in controversy exceeds \$75,000 exclusive of interests and costs.

5. This is a lawsuit between citizens of different states as provided in 28 U.S.C. §1332(a)(1) and is therefore removable pursuant to 28 U.S.C. §1441(a).

6. This action is therefore pending in this Division and District as required by 28 U.S.C. §1441(a).

7. Car Toys was served with process on October 4, 2011. Car Toys is serving this Notice within 30 days of the date of service as required by 28 U.S.C. §1446(b).

8. Pursuant to 28 U.S.C. §1446(a) and Northern District of Texas Local Rule 8.1 this Notice of Removal is accompanied by copies of the following:

- An index of all documents filed in the state court
- A copy of the docket sheet from the state court

- A copy of each document filed in the state court action
- A certificate of interested parties in compliance with LR 3.1(c) or 3.2(e).

BASED ON THE FOREGOING this Lawsuit is removed to the United States District Court for the Northern District of Texas.

Respectfully Submitted,

/s/ Richard M. Hunt
Richard M. Hunt
Texas State Bar No. 10288700

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